

Appin No: 10/015,637  
Filed: 17 December 2001  
Office Action mailed 06 July 2004  
Response faxed 06 October 2004

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**Amendments to the Claims:**

The listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (currently amended) A transformed soybean plant cell containing a nucleic acid molecule that comprises in the 5' to 3' direction:  
a promoter having a nucleic acid sequence that is at least 94% identical to of SEQ ID NO: 1 or SEQ ID NO: 2;  
operably linked to a structural nucleic acid sequence;  
wherein the promoter is heterologous with respect to the structural nucleic acid sequence.

Claims 2-4 (canceled)

5. (original) The transformed soybean plant cell of claim 1, wherein the structural nucleic acid sequence encodes a protein selected from the group consisting of gamma methyltransferase, phytyl prenyltransferase, beta-ketoacyl-CoA synthase, fatty acyl-CoA reductase, fatty acyl CoA:fatty alcohol transacylase, anthranilate synthase, threonine deaminase, acetohydroxy acid synthase, aspartate kinase, dihydroxy acid synthase, aspartate kinase, dihydropicolinate synthase, thioesterase, 7S $\alpha$ ' seed storage protein, 11S seed storage protein, glycinin, beta-conglycinin, phaseolin, maize globulin-1, maize zeins, seed albumin, and seed lectin.
6. (original) The transformed soybean plant cell of claim 1, wherein the nucleic acid molecule further comprises a 5' leader sequence.
7. (original) The transformed soybean plant cell of claim 6, wherein the 5' leader sequence is selected from the group consisting of Arcelin-5 5', dSSU 5', PetHSP70 5', and GmHSP17.9 5'.
8. (original) The transformed soybean plant cell of claim 1, wherein the nucleic acid molecule further comprises a 3'untranslated region.
9. (original) The transformed soybean plant cell of claim 8, wherein the 3'untranslated region is selected from the group consisting of Arcelin-5 3', NOS 3', E9 3', ADR12 3', 7S $\alpha$ ' 3', 11S 3', and albumin 3'.

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10. (original) The transformed soybean plant cell of claim 1, wherein the promoter expresses the structural nucleic acid sequence in an amount greater than 2.5% (w/w) of the total cellular RNA or protein.

11. (original) The transformed soybean plant cell of claim 10, wherein the promoter expresses the structural nucleic acid sequence in an amount greater than 5% (w/w) of the total cellular RNA or protein.

12. (original) The transformed soybean plant cell of claim 11, wherein the promoter expresses the structural nucleic acid sequence in an amount greater than 10% (w/w) of the total cellular RNA or protein.

13. (currently amended) A transgenic soybean plant containing a nucleic acid molecule that comprises in the 5' to 3' direction:

a promoter having a nucleic acid sequence of that is at least 94% identical to SEQ ID

NO: 1 or SEQ ID NO: 2;

operably linked to a structural nucleic acid sequence;

wherein the promoter is heterologous with respect to the structural nucleic acid sequence.

Claims 14-15 (canceled)

16. (currently amended) The transgenic soybean plant of claim ~~15~~ 13, wherein the promoter is SEQ ID NO: 1.

17. (original) The transgenic soybean plant of claim 13, wherein the structural nucleic acid sequence encodes a protein selected from the group consisting of gamma methyltransferase, phytyl prenyltransferase, beta-ketoacyl-CoA synthase, fatty acyl-CoA reductase, fatty acyl CoA:fatty alcohol transacylase, anthranilate synthase, threonine deaminase, acetohydroxy acid synthase, aspartate kinase, dihydroxy acid synthase, aspartate kinase, dihydropicolinate synthase, thioesterase, 7S $\alpha$ ' seed storage protein, 11S seed storage protein, glycinin, beta-conglycinin, phaseolin, maize globulin-1, maize zeins, seed albumin, and seed lectin.

18. (original) The transgenic soybean plant of claim 13, wherein the nucleic acid molecule further comprises a 5' leader sequence.

19. (original) The transgenic soybean plant of claim 18, wherein the 5' leader sequence is selected from the group consisting of Arcelin-5 5', dSSU 5', PetHSP70 5', and GmHSP17.9 5'.

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20. (original) The transgenic soybean plant of claim 13, wherein the nucleic acid molecule further comprises a 3' untranslated region.
21. (original) The transgenic soybean plant of claim 20, wherein the 3' untranslated region is selected from the group consisting of Arcelin-5 3', NOS 3', E9 3', ADR12 3', 7S $\alpha$  3', 11S 3', and albumin 3'.
22. (original) The transgenic soybean plant of claim 13, wherein the promoter expresses the structural nucleic acid sequence in an amount greater than 2.5% (w/w) of the total cellular RNA or protein.
23. (original) The transgenic soybean plant of claim 22, wherein the promoter expresses the structural nucleic acid sequence in an amount greater than 5% (w/w) of the total cellular RNA or protein.
24. (original) The transgenic soybean plant of claim 23, wherein the promoter expresses the structural nucleic acid sequence in an amount greater than 10% (w/w) of the total cellular RNA or protein.

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